App F IX 4

Previous References

1948-49
ML)

File No 69-48
Serial Nos 1, 2

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

P.W.E.

Part B for Oct 48:

SUBJECT

Extensions or layouts in Bangalore City Municipal limits — the definition of the words "Layout or Compound" referred to under Section 25(1) of the C I T Board Act.

L 3751/D 9-10-48

To The Chairman C I T B
B'lore City

Issues certain instructions

b L 3752/D 9-10-48

To The ~~Executive~~ ML Comr B City. Mcity
(Through the Posdt

General and Revenue Secretariat | File No | of 194

Serial No

From the Chairman, Trust Board Bangalore
No 2207 & 8/4/47
Requests to be instructed as to what amounts to an exclusion or layout coming within the scope of section 25(1) of the Bangalore Trust Board Act, 1945.

1) It is seen that many applications have been received in the office of the Trust Board praying for the grant of permission to form a number of sites in an existing area not enclosed by any compound or forming part of existing buildings

2) According to section 25(1) of the Bangalore Trust Board Act, no person shall form or attempt to form any exclusion or layout for the purpose of constructing buildings therein.

3) But as there is no restriction to divide into sites compounds or existing buildings or to construct buildings thereon Under section 25 of the above said section

4) The Chairman desires to know as to what amounts

NOTE- Contn Sheet

8361/4 H497

File No of 194 | General and Revenue Secretariat

Serial No

to an extension or layout coming within the scope of Section 25(1) of the Trust Bound Act and what exactly is the confirmed of the an existing building

5) He is of opinion that where the land does not form a part of a confirmed of an existing building, the prohibition under Section 25(1) of the Act holds good and it does not depend on the number of sites to which the area is to be divided. He adds that when the NOC is not given to an area but the area is merely encroached, it does not become a confirmed of an existing building, as referred to in proviso to section 25(1) of the Act

6) In the above circumstances the Legislature may perhaps be consulted on the points referred to at para 4 supra

Mar 24/4 Reverting to [illegible]

7) For favour of remarks

Law Secy. 28/4

Extension or layouts in city limits

9) Sec 25(1) of the City of Bangalore Improvement Act provides that 'notwithstanding' anything to the contrary in any law for the time being in force no person shall force or attempt to form any extension or layout for the purpose of constructing buildings thereon, provided that when a person proposes to divide into sites compounds of existing buildings or to construct buildings thereon, the Municipal Council may grant permission under the provisions of Sec 107 or Sec 115, as the case may be, of the Mysore City Municipalities Act

10) The words 'building layout' or 'compound' are not defined in the City of Bangalore Improvement Act

11) 'Building', however, as defined in the City Municipalities Act (vide Sec 3(3) includes any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose and also includes walls, verandahs, fixed platforms, plinths, doorsteps and the like

12) What exactly is the compound of an existing building is not defined anywhere In certain cases, it is verydoubtful whether mere walls, hoardings or fences are buildings within the meaning of the term as used in the special Acts, vide Halsbury's Laws, Vol 23, Page 415

13) A 'building line' is defined by the Calcutta Improvement Act 1911 (vide Sec 2(a-a) as meaning a line up to which the main wall of a building abutting on a projected public street may lawfully extend In the circumstances, a compound wall might or might not have been constructed in respect of every building and still the site bearing a number may be lying vacant when the land does not form part of a compound of an existing building the prohibition under Sec 25(1) of the Act holds good, if the area is not defined, then permission of the Municipality as provided for in the proviso appears necessary The Advocate-General may also be consulted

8166 5 MAY 1947

Laws Sec) 5/5

4

Extension. Layouts — City limits

14) Forwarded with compliments to the Advocate General for favour of opinion — Dy No. 101 dt 6-5-47

Dy No 647/46 47 dt 6.5.47

15) Returned with compliments. Dy No. 11,000 11/47-48 dt 5-8-47

I wish to add to the Law Secretary's note that as the Act stands at present no sites can be formed or buildings put up thereon with the permission of the Municipal Council unless there is already a compound and a building on it

16) Extension and layout are not defined in the Act and each case must be decided on the facts. It may not be an extension or lay-out unless the formation of roads or lanes and even drains become necessary for the scheme (under Sec 107 of the City Municipalities Act) I mean that if mere division of the land into sites is possible and permitted without having to lay roads or lanes & drains, it may not come under the category of an extension or a lay out

17) I have been able to trace only one decision 1937 Lahore 781, which deals with a lay out scheme but no definition was attempted and the decision did not turn on what a 'lay out' is

18) In this state of law, I can only say that the terms may have to be defined in the Act unless the idea is to decide on the facts of each case whether it is a lay out or an extension

19) The term 'compound' in the absence of a

Serial No

definition in the Act can be construed only in the ordinary sense i.e., the dictionary meaning.

Sgd Ethirajulu Naidu
AS. 4/8

20) SL Advocate-General, whether — if not, [illegible] the opinion that cut can be [illegible] under or contrary to the above or any provision in the Act

SL 5/8

Law Sec) 6/8

New Secy) WC) 21) SC 6/8

6/8
7/8
7/8

22) Steps submitted for orders of the Chairman may not be informed, as per the opinion furnished at paras 9 to 20 supra and has further remarks called for in the matter submitted with reference to para 7 of the notes

A

17 52

NOTE—Contn Sheet.

23) A — will be done, if approved

8/8

5/8 [illegible] Act together with A comments and submitted thereto para 26 [illegible] JM 24 please bring unofficially discussed Secy 8/8/48 Secy 16/8/48

File No	of 194	General and Revenue Secretariat
		Serial No

2) Kind reference is invited to the opinion of the Land Section and of the Advocate-General on the subject

3) It is stated that the terms "Layout", "Extension", "Compound" are not defined anywhere — except in so far as in the City of Barcelona Improvement Act 1945 — Hence it is suggested by the Advocate-General that the question whether it is a layout or an extension has to be decided on the facts of each case The above views will be communicated to the Chairman. C. 9 7 & 8 Barcelona accordingly for further action

4) The question about defining the above terms will be pursued separately, if approved

Rewsey 11/12/47

6115/12/47

5) The above views may be communicated to the Chairman.

6) The question of defining

2604/mm

The terms will be pursued further, if considered necessary

Minister
Finance & Indus

13/12/47

13/12/47

OFFICE OF THE MINISTER FOR FINANCE & INDUSTRIES
No. 1025
Date 17/12/47

31) The above views of the Law Dept and the Bar Council may be sent to the Chairman & his views obtained early

H.C.D
27/2

28/2

REVENUE SECTION
28/2

32) Draft letter as suggested

28/2/48

33) A draft letter as suggested
ma 10/3/48

34) Done
1/3/48

To,
The Chairman, Bar Council
Trichinopoly

Your letter No 1433 & 25/2/48 calls for his further remarks

(also file D No 5002 Misc)

ma 10/3

16/3

1343/ml Extensions in the aft limits

From the chairman,
Bangalore Trust Board
No 9 (270) 8/1-8 Tech
~~3704 & 8/4/47~~

Furnishes the opinion of the Trust Board in the matter

35/ The report now received is submitted for general information & reference to para 31 supra

36/ It is for orders whether the Advocate-general may not be consulted again in view of the resolution now passed by the Trust Board in the matter

A/ Minister 30/1/48 For 1-9-48

A - may be done

2422 2/9

(New Secy) for Refer para 31 supra. 1/9/48

If approved, the Advocate General will be consulted again in this matter

OFFICE OF THE MINISTER FOR COMMERCE & INDUSTRIES
1577
Dated 7/9/48

Secretary (Commerce & Industries)

8/9/48
for 7/9/48.

1343/mt

~~1095~~
1577 The question of 'lay out' arises only when a vacant land is converted into sites and the need for providing separate drainage and water supply etc and footing roads also arises Whereas it is a case of an enclosed compound where there is room for spacing ~~to~~ some vacant land for ~~sites~~ a site or two, which does not require ~~&~~ fresh roads or water mains footmains etc the owner should be at liberty to either sell the vacant portion as site ~~or~~ or put up buildings thereon with the permission of the M-cc

Sec
17/9

Dft reply
for M 9 48

A draft reply is put up
Ma 15/9
Fri 16-9-48

Issue
for
M/9/48

To Chairman C P T B Bangalore

B 24-11-48

d 3751/mt 69-48-2
9 10 48

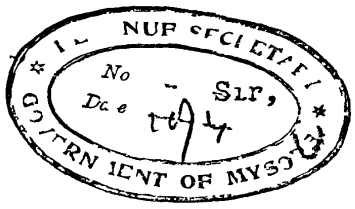
Issue certain instructions

IMMEDIATE
No. ~~1885~~ 2707

Office of the City Improvement Trust Board,
"Ranga Vilas", Seshadri Road,
Dated, Bangalore, the 8th April 1947.

8361

H N PALLEGAR, ESQ , M A , LL B ,
Secretary to Government,
Revenue Department, Bangalore



SUBJECT - Extensions or layouts in the City limits

I have the honour to state that many applications have come to the Trust Board in respect of (1) Agricultural lands and (2) Converted lands within Municipal limits and otherwise wherein the applicants want to form a number of sites in an existing area not enclosed by any compound or forming part of compounds of existing buildings

2 Under Sec 25 (1) of the City of Bangalore Improvement Act of 1945, it is stated that

> "Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt any extension or layout for the purpose of constructing buildings thereon,
>
> Provided that where a person proposes to divide into sites compounds of existing buildings or to construct buildings thereon, the Municipal Council may grant permission under the provisions of Sec 107 or Sec 110, as the case may be, of the Mysore City Municipalities Act, 1933 "

In regard to these applications, the point that has got to be decided is whether the area in respect of which they want a division into a number of sites does not form an extension or layout in which case the provision under Sec 25 (1) of the City of Bangalore Improvement Act which is mandatory and prohibits such layouts or extensions will operate In some of these cases where conversions have been permitted, it has been so done prior to the passing of the City of Bangalore Improvement Act

3 As to what amounts to an extension or layout coming within the scope of Sec 25 (1) has to be made clear and it is a point which requires legal opinion The matter is also very urgent since a number of persons have approached the Trust Board for permission to sub-divide large areas of such lands into sites for building purposes. It seems to me that where the land does not form a part of a compound of an existing building, the prohibition under Sec 25 (1) of the Act holds good and it does not depend on the number of sites to which the area is to be divided When the Municipal number is not given to an entire area but the area is merely converted, it does not become a compound of an existing building within the meaning of Sec 25 (1) proviso What exactly is the compound of an existing building is also to be elucidated

4 I request that the Law Secretariat may kindly be asked to examine the question and opinion furnished to us immediately so that we can have a uniform policy in respect of such applications

5 I wish to add once again that necessary legal opinion may be taken and communicated to us very early for the reasons explained already

I have the honour to be,
Sir,
Your most obedient servant,

C. N Narayanan

CHAIRMAN.

gvm/-

3

S-172/47

Office of the City Improvement Trust Board,
"Ranga Vilas", Seshadri Road,
Dated, Bangalore, 18th November 1947.

GEN & REP 20 NOV 1947 2604/47 LSG BRANCH

SYED ABDUL ALEEM, Esq , B A ,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Sub - Extensions or Layouts in the City limits

I have the honour to invite kind reference to this office letter No 2707 dated 8-4-47 requesting to obtain and communicate the legal opinion in consultation with the Law Secretariat, as to the scope and applicability of Sec 25 (1) of the Trust Board Act so far as it relates to the private layouts in the City Municipalities and to request the favour of early orders of Government in the matter

I have the honour to be,
Sir,
Your most obedient servant,

CHAIRMAN

gvm/-

WD 06865—GPB—8 000—9-8-47

Appendix F G—11

No 4

SUBJECT Extension of leave or leave rules in the Bihar Civil Service Rules

Section

File No

Serial No

No L. 14338

Diary No of letter replied to 2604

To

The Chairman,

C.D.T. Board, Bagalpur

Sir,

With reference to the correspondence ending with your letter No J-172/47, dated 18-11-47, I am directed to state that the Lt. Governor has considered the question of the extension of leave and the Secretariat Department and the Advocate General who were consulted regarding the deputation of a "Compounder" and "Layout" etc. have furnished their opinion

General and Revenue Secretariat

( )

the *19*

Date of issue 5/12/48

Signed by

List of enclosures

Copied by

Examined by

as ~~follows~~ –

~~Law~~

1) Opinion of the Law Secretary

Typed

please type here paras 9 to 13 of the notes of the file

2) Remarks of the Advocate general

please type here paras 15 to 19 of the notes

in the light of the opinions of the Law Secretary & the Advocate general on the ~~matter~~, I am ~~desired~~ to request you to furnish your further remarks ~~asked~~ in respect thereof.

I have etc.

11/3/48

for Secretary to the President

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No L. 14338 *Dated Bangalore,* 5/2/ *1948*

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Revenue Department

To

The Chairman,
City Improvement Trust Board,
Bangalore

Sir,

Subject Extensions or lay-outs in the Bangalore City Municipal limits

---

With reference to the correspondence ending with your letter No C 172/47 dated 18th November 1947, I am directed to furnish below the opinion of the Law Secretariat and of the Advocate General who were consulted regarding the definition of a "Compound" "Layout" etc

OPINION OF THE LAW SECRETARIAT

Section 25(1) of the City of Bangalore Improvement Act provides that 'not-withstanding' anything to the contrary in any law for the time being in force no person shall force or attempt to form any extension or layout for the purpose of constructing buildings thereon, provided that when a person proposes to divide into sites compounds of existing buildings or to construct buildings thereon, the Municipal Council may grant permission under the provisions of Section 107 of Section 115, as the case may be, of the Mysore City Municipalities Act

he words 'building layout' or 'compound' are not defined in the City of Bangalore Improvement Act

Building', however, as defined in the City Municipalities Act (vide Section 3(3) includes any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose and also includes walls, verandahs, fixed platforms, plinths, doorsteps and the like

hat exactly is the compound of an existing building is not defined anywhere In certain cases, it is very doubtful whether mere walls, hoardings or fences are buildings within the meaning of the term as used in the special Acts, vide Halsbury's Laws, Vol 22, Page 415

'building line' is defined by the Calcutta Improvement Act 1911 (vide Section 2(a-a) as meaning a line up to which the main wall of a building abutting on a projected public street may lawfully extend. In the circumstances, a compound wall might or might not have been constructed in respect of every building and still the site bearing a number may be lying vacant When the land does not form part of a

compound of an existing building, the prohibition under Section 25(1) of the Act holds good, if the area is not defined, then permission of the Municipality as provided for in the proviso appears necessary The Advocate-General may also be consulted

REMARKS OF THE ADVOCATE GENERAL

I wish to add to the Assistant Secretary's note that as the Act stands at present no sites can be formed or buildings put up thereon with the permission of the Municipal Council unless there is already a compound and a building on it.

Extension and layout are not defined in the Act and each case must be decided on the facts. It may not be an extension or lay-out unless the formation of roads or lanes and even drains become necessary for the scheme (vide Section 107 of the City Municipalities Act) I mean that if mere division of the land into sites is possible and permitted without having to lay roads or lanes or drains, it may not come under the category of an extension or a ley out

I have been able to trace only one decision 1937 Lahore 781, which deals with a lay out scheme but no definition was attempted and the decision did not turn on what a 'layout' is

In this state of the law, I can only say that the terms may have to be defined in the Act unless the idea is to decide on the facts of each case whether it is a lay out or an extension.

The term 'Compound' in the absence of a definition in the Act can be construed only in the ordinary sense i.e , the dictionary meaning

I am to request you to furnish your further remarks immediately in the light of these opinions

I have the honour to be,
Sir,
Your most obedient Servant,

Secretary to Government,
Revenue Department.

LC/2

G 70/48-9

Ml 69-48-1

Office of the City Improvement Trust Board,
"Ranga Vilas", Seshadri Road,
Dated, Bangalore, the 1st August 1948

To

JANAB SYED ABDUL ALEEM, B A ,
Secretary to Government,
Revenue Department, Ban[illegible]

Sir,

SUB - Extensions or layouts in Bangalore City Municipal limits - definition of the words "Layout or Compound" referred to under Sec 25 (1) of the C I T Board Act

With reference to your letter No L 14338 dated 5-3-48 forwarding for my remarks the opinions of the Law Secretary and of the Advocate General on the definition of the words "A Compound, Layout etc ," referred to under Sec 25 (1) of the City of Bangalore Improvement Act, I have the honour to state that this subject was discussed at length at the meetings of the Board held on 24-6-48 and 22nd July 1948 Some of the Members were of the view that the wording in the Act was clear and that each case was to be dealt with on merits and that in cases of doubts and difficulties, the Advocate General might be consulted

The general opinion was that it was better that Government be requested to give a definite ruling as the opinion of the Advocate General was rather vague and indefinite

After some discussion, it was finally resolved

"That it be pointed out to Government that the opinion of the Advocate General was not definite and that in its view, Sec 25 of the Act should be construed strictly as otherwise, it will inevitably give rise to private layouts in one form or the other "

I accordingly request that in the light of the above resolution, definite orders of Government in the matter may kindly be obtained and communicated

I have the honour to be,
Sir,
Your most obedient servant,

C Rajagopalachari

CHAIRMAN

HR/gvm

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

L 3751, Two copies
ML 69-48-Q
4 copies
To, 9/20/48

The Chairman,
C D T Board, Bangalore

Sir,

With reference to the correspondence ending with your letter No. Q 70/48-45 of 1-8-'48 re the extension of Layouts in Suj- and definition of the words "Layout- or conformed" under Section 25 (1) of the C D T Board Act, 1945, I am directed to state that Government as follows,-

The justification of 'Layout-' or 'extension' arises only when a vacant land is converted into sites and the need for providing separate drainage & water supply and possibly roads also

WD 03697—GPB—30 000—2 2 40

areas whereas if it is a case of an enclosed compound, where there is room for leaving some vacant land for a site or two, which does not require fresh roads or water mains & sub mains etc, the owner should be at liberty to either sell the vacant portion as site or putting buildings thereon with the permission of the municipal council

yours faithfully
for
Secy

d 3752

Copy is forwarded w/c to the Muni Comm., Pamphlet Cities, Muni Cl., (Mr Nair Retd Resident) for info

By order,
for
Secy

By,
Asst

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No R.3751/mh 69-48-2 General and Revenue Secretariat,

Dated Bangalore, 9-10/ 1948

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department.

To

The Chairman,
City Improvement Trust Board, Bangalore.

SIR,

With reference to the correspondence ending with your letter No, G.70/48-49 dated 1st August 1948 regarding the ~~expm~~ extensions or layouts in Bangalore City and definition of the words "Layout or Compound " under section 25 (1) of the City Improvement Trust Board Act, 1945, I am directed to state that the question of " layout" or " extension" arises on when a vacant land is converted into sites and the need for providing separate drainage and water supply and possibly roads also arises. Whereas if it is a case of an enclosed compound, when there is room for sparing some vacant land for a site or two, which does not require fresh roads or water mains and submains etc , the owner should be at liberty to either sell the vacant portion as sites or put up buildings thereon with the permission of the Municipal Council.

Yours faithfully,

Secretary to Government
Revenue Department.

GR.4